

THE
PRIVILEGES

OF THE
University of OXFORD,

In point of VISITATION:

Cleerly evidenced by LETTER

To an Honourable Personage.

TOGETHER WITH

The Universities ANSWER
to the Summons of the Visitors.



Printed for Richard Royston. 1647.

R. WILLIAMS

OF

THE



Printed for Richard Taylor, 104 St. Paul's Church-Yard, London.



THE PRIVILEGES

OF

The University of OXFORD,

In point of *Visitation*, &c.

Honoured Sir,

HOW violently active the resentments of *Liberty* and *Freedom* are in the minds of men there needs no other evidence then this late *War*, wherein the most earthy *soules*, with earnest zeale, have sacrificed their *blood* unto the *name* and empty *shadow* of it. And if the bare shape, and apparition could actuate those *Icie spirits*; I cannot but wonder you should thinke, that the more *Free* and *Aeriall* ones, whose industry, endeavours, to restore the Soul to its native *Priviledge* and *Birtheight*, should be senselesse of their just *interest*, especially where *Religion* adds his Title unto *Right*; and private *Liberty*, built upon publick *Priviledge*, in its fall engages his *Foundation*, and renders the neglect of a single *safety*, a desertion to the *Generall*, and *Treason* to *Succeſſion*. But since you take no knowledge of these so

high engagements ; and seeme pre-possess'd with the specious designe of reforming of Errours, and the Authoritative name of a *Visitation* : I shall endeavour to *Demonstrate* the proposition I glanced upon in my last Letter, and you so much startle at, *that the right of Visiting the University of Oxford is onely in the Kings Majesty : and that it is exempt from all other jurisdiction,* both by reason of its *foundation*, in regard that all Societies whereof the *King* or his *Predecessors* were *Founders*, are onely *Visitable* by the *King*, by the *Common Law*.

(a) 6 Hen. 7. fo. 14. 2 Hen. 5.

(b) Malmesbur. de Antiq. Glaston.
Auth. Annal. de Monast. de Hide,
Jo: Rossus de Regibus. Literæ Hen. 4.
ad Papam Johannem : ex fund. Regis.

of this Realme. * And secondly, by reason of severall grants of *Exemption* : First, That the *University of Oxford* wholly refers to the *King* as its *Original* and *Founder*, is cleere, in that almost

800. yeers since King *Alured* founded not only *Publicke Schooles of Arts and Lectures*, but their *Privileges and Immunities*, having got them confirmed by the then Pope, * and although the *bounty* of inferiour *Benefactors* added to the *bulk* and *magnificence* of the *Foundation*, yet the *King* stil assumed the Title, as being the totall founder of the *Designe*; and his *immunities* deriving and communicating themselves to the *whole*; and those more *particular founders* were also in a lower ranck acknowledged by the *University*, who ever both submitted and sheltered themselves under the title of the

(c) Instrum. *Kings Foundation*, c and as yet *doe*; (the power of the Univer. Ox- *Chancellour* being immediately, and only derived from on. ad Ric.

secundum : *Vestra Foundationis & Patronatus*. Hare memor. Univer. Oxon. Fol. 92. Vetus Epistolarum Lib. pag. 51. & 56. Ad Regem Hen. 6. pag. 90. & 108. Antiqu. Oxon. Lib. 2. a pag. 182. ad pag. 202.

the d King) and are obliged to doe so; unlesse that *Logick* (d) Edvar. 3. which makes *Protection* and *Subjection* Relatives, dispute *Potestare regiam per nos & progenitores nostros ipsi concessam.* us out of submission to the Kings onely *jurisdiction*, because He is disabled from the maintenance of our *Privileges*; and will not let Him be our *Visitor*, because He cannot be our *Defender*. And here you may please to consider, that the Foundation of the University, being the Kings and His Predecessors *Personal act*, His interest lies not within the reach of that beaten evasion of a *publique* or *politique* capacity. Hare, memor. Univ. Oxon. in Edvar. 3. fo. 65. The violation of his Privileges, in

particular that of not obeying his Citation, is called, *Lesio Coronae*, &c. ex Rot. claus. de an. 34. reg. Edv. 3. in dorf. memb. 27. Tur. Lond. Rot. patent. de an. 36. parte 2. memb. 44. in dorf. in Tur. Lond. Rot. patent. de an. 18. parte 2. memb. 31. Tur. Lond.

And as this *right* and *title* of *Visiting* is the Kings *Prerogative* as *Founder*, so the privilege of being by him onely *Visited*, is our lawfull *inheritance*, which we claim by *prescription*, & allowed and confirm'd by *Charters* from several Kings, both by *themselves* and in *Parliaments*; and whatsoever free Royall grant was (e) *Indult. Dom. Papa Bonif. 8. confirm. privileg.* *Regal. ipsamq; Universitatē eximens ab omni Jurisd. Archiep. Episcop. &c. & à Visitatione:* adding, that they had had these privileges à tempore cuius contrarii memoria non existit: Hare, li. de Priv. Univ. Ox. Lib. Vet. Statut. Ox. p. 95. Lib. Vet. Senior. procur. p. 4. the same ratified and confirm'd by *Sixtus 4. Lib. Epist. Univ. Ox. in Hen. 3. Act of Parl. 25 H. 8. c. 21. fo. 556.* all power of Visitation is given onely to such as shal have immediate authority by the Kings Commission under the Great Seale of England, in places formerly exempted, as Colleges, &c. All Letters Patents heretofore made by the Kings Progenitours, in behalf of the Universities, are confirmed by Act of Parliament, 13. *Elizab.* And in 19. *Elizab.* part 12. in dorf. rot. the Privileges of the University are confirm'd in the very words of *Bonif. 8.* acknowledged they had them by *Prescription*: the immediate subjection of the University to the authority & jurisdiction of the Prince, and all their other exemptions ratified; and these acknowledged to be sworn to, in the Oath taken by every Graduate, *ad observ. Statut. Privil. Consuet. &c.*

(f) Foure
Visitations
since the Re-
formation,
all by the
Kings Com-
mission, ex-

cept in *Q. Maries* time, when the Ecclesiasticall jurisdiction was again returned to the Pope, then *Cardinall Pool* visited, as *Legatus à latere*, which is Equivalent. *Citat. Cardin. Poli. ad Univers.*

(g) At the
beginning of
this Parl. the
University
Writings
were requi-
red, and ever
since are de-
tained.

I have thus farre as much as may be expected from one, not us'd to such encounters, nor advantag'd by any of the *Vniversity* writings and muniments, (they having been of late withheld from us) discover'd our *Privileges* in point of *Visitation*, being put to this unequal *Combate*, to engage with persons arm'd with power and our own weapons too, onely shielded by naked Truth.

But should I wave the former debate of *Interest*, and onely look upon the tie of *Honour*, I cannot but with wonder and just scorn resent the mean opinion we are now fallen into, who for almost 800 years the care and

(h) Allowed
himself visits
an. 886. Ex
Asser. Me-
nen. Epis. Reg.
Allowed. Scrib.

strife of *Princes*, are made now the prize and spoil of our fellow-subjects, and what speakes more dishonour submitted to the strict Tribunal of our own members, who having sworn the observation of our Statutes, liberties, and customs, cannot appear as Judges over us, without themselves decided controversies, that arose in the University. The late Visitations performed by Commissioners, the chief Nobility of the Kingdome: and His Majesty that now is, visited Christ-Church personally with 8. Lords of the Counsell. * *Jur. in admis. ad gradus.*

out a violation of their *oaths* so often and solemnly taken; nor yet without a manifest *opposition* of *Nature*, where *parts* judge the *whole*; and the *Lawes* of justice too; especially if we consider the *Interests* and *ingagements*, nay often *professions* of the most active *instruments* of this *work*.

But to go a *step* farther, and rest satisfied both in the *Visitation* and *Visitors*, it is evident that neither the *one* or the *other* can concern us, till by some *Legal* way their *Power* is *manifested*. It is true, about three *months* since, a *Citation* was publicly set up to *summon* our *appearance*, but the force of that being *lapst*, we are to expect a *new* one, not onely by the *common* rules of *Justice*, but their *own* also, who conceiv'd a *Citation* at first *necessary*, and know the former to have been *voided* by their own default. Now let the *world* be *Judge*, what *obligation* can lie on any *man* to leave his *occasions* and *affairs*, to appear, and that under the penalty of *imprisonment*, before those men he *knows* not, or at least is not *Legally* *suppos'd* to know, to have any *Authority* over him?

But should we be willing to sacrifice our *Honour* to a more *Christian* virtue of *humility*, and our *freedome* unto patient *sufferance* (as in most cases we may lawfully recede from our strict rights:) Yet would there a greater *stop* to our desires then any yet mentioned *interpose* it selfe, the severe law of *Conscience*; from whose commands neither hope may *lead*, nor danger *force* us. We are all engag'd by solemn *protestation* before *Almighty* *God* to defend and maintain our *Lawful Rights* and *privileges*, (in the number of which I am confident I have shew'd our exemption from this *Visitation* to be:) and hereby our *adversaries* are themselves bound to protect and defend us in whatsoever we shal do, in pursuance of them:

Protest. May
5. 1641.

them: But if this be not of *force* to us, as it is not conceived to be by them, we have yet a more *strict* and particular *obligation*, being sworn by our *respective* statutes, to *allow* or *submit* to no *Visitation*, but from those who are *nominated* by our *founders*, and enabled by the *Kings* grant and *Patent*, confirmed by *Act of Parliament*, and so enlivened to the *strength* of *Laws*.

Thus farre briefly of *Privilege* and *Exemption*, I am now to clear a *part* yet untoucht, but of no lesse *concernment*; that is, the *necessity* and *want* of *Visitation*. It being given out by the *Out-cries* and *clamours* of our *Adversaries*, that we are wholly *corrupt* and *lost*, and not to be *redeemed* to any thing that's *good* and *virtuous*, but by *extirpation* & *ruine*. To the *malice* of which *imputations*, how *uncharitable* soever, I can observe no *return* but *prayers* and *silence*, finding in the *general*, *breasts* neither conscious of the *crimes* they are *accused* of, nor *revengeful* ones towards the *persons* of their *Accusers*, but *cheerfully* receiving their many *injuries* (having for whole years together, been publicly *slandered* to their *faces*;) and *burying* in *silence* those *dark Arts*, and strangely false *suggestions* which have been used to *procure* this *Visitation*, commit themselves to the *protection* of *providence*: assured either by *clearing* all *Accusations*, or by a *Christian* suffering of whatsoever shall be unjustly *inflicted*, to *evidence* to the *world*, they are not those *monsters* that their *Enemies* Character would speak them: Nor yet *men* altogether unworthy their *Education*, or their *founders* munificence. For my particular, next to the testimony of *Conscience*, *Ambition* cannot name unto me a higher note of *Innocence*, then to be acknowledged as

Sir,

Your most humble Servant.



POST-SCRIPT.

SIR,

AS I was Sealing, there came to my hands, the Answer of the University, to the Visitors Summons, which I here present to your view; and doubt not but the Candour and Reason, backt by the Authority of so great a Name, will adde something of weight and moment to what hath been already said.

To the Right VVorshipfull, Sir
Nathaniel Brent, and the rest of the
Commissioners, sitting at Merton-Colledge.

WHereas by severall Citations, subscribed, Guiliel. New-house Reg. Com. the Vice-chancellour and Proctors (being the Magistrates and publick Officers of this University) have been required respectively to appear before the said

B

Com-

Commissioners, sitting in *Merton College*. They having imparted the same to us, the *Delegates* of the *University*, upon due *Consideration* and deliberate *Examination* of the *Premises*; We the said *Delegates*, together with the *Vice-chancellour* and *Proctors*, do in the name of the *University*, with all humble *Reverence* to the two *Honorable Houses* of *Parliament*; and all due respects to the *Persons*, and places of those that are *employed* by them, Humbly *Conceive*, we cannot acknowledge any *Visitor* but the *King*, or such as are immediately sent by His Majesty, it being one of His *Majesties* undoubted *Rights* (all which we are bound to defend, as by many *legall obligations*, so by our late *Protestation*) and one of the chiefe *Privileges* of the *University*, (all which we are obliged by divers *Statutes*, and *Oathes*, to *maintaine* also) That His *Majestie*, and without Him, none other is to *Visit* this *University*. And therefore we cannot (as we conceive) without the manifest danger of incurring *multiplied Perjuries*, submit to this *Visitation*, or acknowledge, those now sent by the *Honourable Houses* of *Parliament* to *Visit* us, to be our *Visitors*. And as we are perswaded, That if the *weighty Affaires* of the *Kingdome*, would have permitted the Two *Honourable Houses* to have taken this *Obligation* of ours into *Consideration*, they would not have thought fit to reduce us to this *extremity*, either of *displeasing* them, or doing *violence* to our owne *Consciences*; so we *beleeve*, and *hope*, that if it shall please those that are *employed* by them, *candidly* and *charitably* to represent to them, this our *Answer*, with the *Reasons* thereof, (which we most earnestly desire them to doe) the *Honourable Houses*

Houses will be pleased to *admit* of this our *Answer*, and suffer us in the meane while to enjoy what by the *Law* of the *Land* (which is the *Birth-right* of the *Subject*) as well as by the *Privileges* of the *University* is due unto us ; untill we shall be proved to have made a *Legall forfeiture* of it, before such as are our *proper* and *competent* Judges : Before whom we shall be alwaies ready to *appeare*, and to *Answer* whatsoever *crimes* or *misdemeanours* shall be laid to our *charge*.

F f N f S.